
**Natural Resources, Ecology &
Parks Committee**

HB 1838

Brief Description: Increasing the threshold for short board appeals before the shorelines and pollution control hearings boards.

Sponsors: Representatives Linville, Grant and Hinkle; by request of Environmental Hearings Office.

Brief Summary of Bill

- Allows appeals of shoreline permits to be heard by only three members of the Shorelines Hearing Board if the penalty amount in dispute is \$15,000 or less.
- Raises the penalty level that allows the Pollution Control Hearings Board to hear cases with only member from \$5,000 to \$15,000.

Hearing Date: 2/25/05

Staff: Jason Callahan (786-7117).

Background:

The Shorelines Hearing Board is a six-member quasi-judicial body that exists primarily to hear appeals by those aggrieved by the shorelines permitting system. The six members of the Shorelines Hearing Board are composed of three members from the Pollution Control Hearings Board, a designee of the Commissioner of Public Lands, and designees from both the Association of Washington Cities and the Association of Washington Counties.

The Shorelines Hearing Board is housed administratively within the Environmental Hearings Office (EHO). The EHO also houses the Pollution Control Hearings Board, and other quasi-judicial bodies that serve as the first level of appeal from various decisions by state government and local governments involving environmental and land use issues.

Most appeals to the Shorelines Hearing Board involve all six members, with a minimum of four members required to agree on the disposition of the case. However, some appeals qualify for an expedited appeal. Appeals involving a singly family residence, or an appurtenance to the residence like a dock or pier, qualify to be heard by only three members of the Shorelines Hearing Board. This smaller body within the larger Shorelines Hearing Board is known as a short board.

For short board decisions to be binding, two of the three members must agree on the disposition of the case.

In addition to disputes that qualify to be heard by a short board, the Shorelines Hearing Board has the authority to designate other expedited processes. Allowed alternatives include mediation, testimony affidavits, and other processes that are less formal than the standard rules for courts in Washington.

The Pollution Control Hearings Board exists primarily to hear appeals arising from the decisions of local air pollution control agencies. Similar expedited appeals options are available to parties before this quasi-judicial body. Specifically, disputes involving a penalty of less than \$5,000 may be heard by a single member of the Pollution Control Hearings Board. The decision of that board member constitutes the final decision by the entire Pollution Control Hearings Board.

Summary of Bill:

The ability for the Shorelines Hearing Board to hear disputes in its smaller short board form is expanded to include appeals involving penalties of \$15,000 or less. Likewise, the financial threshold for the Pollution Control Hearings Board to hear a case involving a penalty in its smaller short board form is raised from \$5,000 to \$15,000.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.